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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,488	11/01/2001	Lawrence Koved	AUS920010942US	2183

35525	7590	03/23/2005

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER
ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 November 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the communication filed on November 1, 2001.

Claims 1 – 24 were originally received for consideration. There were no preliminary

amendments regarding the claims received. Claims 1 – 24 are currently being

considered.

Double Patenting

        The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,*
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

2.   Claims 1 – 24 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1 - 30 of

copending Application No. 10/002439. Although the conflicting claims are not identical,

they are not patentably distinct from each other because taken wholly, the copending

application contains disclose all the limitations of the present application. For example,

claims 1, 9 and 10 of the copending application discloses the limitations present in

claims 1of the present application. The other dependent claims 2-8 are analogous to

the claims 2-8 of the copending application.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Gong

(U.S. Patent 6,047,377).

Regarding claim 1, Gong discloses:

A method of controlling access to computer system resources based on

permissions, comprising:

"**receiving a request for access to a computer system resource**" (Figure 7

item 750, column 6 lines 36-46, column 18 line 29 – column 19 line 36); and

"**executing, on the request, a security policy identified by a security policy**

file class" (Figure 4 item 444, column 13 lines 59 – 65),

wherein the security policy "**determines if a superclass permission is implied**

by a required permission in each protection domain of an access control context"

(column 7 lines 30-45) and "*adds the required permission to a permission collection if the superclass permission is implied by the required permission in each protection domain of the access control context*" (column 17 lines 1-5, column 19 lines 37-43), and wherein "*the security policy grants access to the computer system resource if the superclass permission of the required permission is present in each protection domain of the access control context*" (column 10 lines 59-67, column 19 lines 4-36).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Gong discloses:

The method of claim 1, wherein "*the request is received from bytecode*" (column 13 line 63 – column 14 line 6).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Gong discloses:

The method of claim 1, further comprising:

"*determining the required permission based on a CodeSource associated with the request*" (column 14 lines 28-36, column 15 lines 65-67).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Gong discloses:

The method of claim 1, wherein the security policy determines if a superclass permission is implied by a required permission in each protection domain by "*determining if at least one permission collection in each protection domain includes the superclass permission*" (column 6 lines 36-46, column 18 lines 29-45).

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Gong discloses:

The method of claim 1, wherein the security policy adds the required permission

to a permission collection by "*creating a new permission collection and adding the*

required permission to the new permission collection" (column 15 line 56 – column

17 line 13).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Gong discloses:

The method of claim 5, wherein the security policy adds the required permission

to a permission collection by "*adding any subclass permissions of the required*

permission to the new permission collection" (column 16 line 56 – column 17 line

13).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Gong discloses:

The method of claim 1, further comprising "*retrieving the access control*

context for a thread of execution that sent the request for access to the computer

system resource" (column 17 lines 36-64).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Gong discloses:

The method of claim 1, wherein the security policy adds the required permission

to a permission collection by "*adding the permission to a permission collection*

associated with the superclass permission" (column 16 line 56 – column 17 line 13).

6.   Claims 9 – 16 are computer program product claims analogous to the method

claims rejected above, and therefore, are rejected following the same reasoning.

7.   Claims 17 – 24 are apparatus claims analogous to the method claims rejected

above, and therefore, are rejected following the same reasoning.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-

272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KA
03/17/05

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100